

REMARKS

The present application was filed on March 31, 2004 with claims 1 through 21. Claims 1 through 13 are presently pending in the above-identified patent application. Claims 1 and 9 are proposed to be amended herein. Following a restriction requirement, claims 14-23 were cancelled, without prejudice. A Request for Continued Examination is submitted herewith.

The Examiner is thanked for the courtesy of a telephone interview on August 5, 2008 in which the rejection based on Jones was discussed. The Examiner indicated that the present amendment overcomes Jones and is supported by the original specification. The Examiner indicated that a new search would be performed.

In the Office Action, the Examiner rejected Claims 1, 4, 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Jones (United States Patent Number 5,655,077, hereinafter "Jones") and in view of Noguchi (United States Publication Number 2003/0005333). Claims 2, 3, 6 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jones, in view of Noguchi and further in view of Jemes et al. (United States Publication Number 2001/0042213, hereinafter "Jemes"). Claims 5 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jones, in view of Noguchi and further in view of Manchin (United States Patent Publication Number 2004/0049567, hereinafter "Manchin"). Claims 7 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jones, in view of Noguchi and further in view of Daenen et al. (United States Patent Publication Number 2003/0140151, hereinafter "Daenen"). Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Jones, in view of Noguchi and further in view of Hoene et al. (United States Patent Publication Number 2002/0199116, hereinafter "Hoene").

Information Disclosure Statement

The Examiner has indicated that references 4 and 5 from the Information Disclosure Statement submitted on March 15, 2004 have not been considered because no publication date was set forth. Applicants have further investigated the publication dates for each reference and are submitting a new Information Disclosure Statement herewith.

Independent Claims 1 and 9

Independent claims 1 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Jones et al. With regard to claims 1 and 9, the Examiner asserts that Jones et al. disclose a method for authenticating a device connecting to a first network (a network associated with a secondary logon provider; Fig. 5 and col. 2, lines 36-41), comprising: determining if said device connected to at least one other network (other network comprising the network associated with the primary login provider; step 705 in Fig. 7 and col. 8, lines 34-39); and evaluating a content (comprising a username and password) of said device based on whether said device connected to at least one other network (username and password for secondary network depend on whether connection to other network was successful; steps 706 and 714; col. 8, lines 39-47; and col. 9, lines 20-22).

Independent claims 1 and 9 have been amended to emphasize that a device connecting to a first network is authenticated based on a history of one or more previously terminated connections of the device to at least one other network. An integrity of data content of the device is then evaluated based on the history. Support for this amendment can be found in the original specification, for example, at page 8, lines 19-21 and page 15, lines 10-12.

Applicants submit that Jones et al. clearly evaluate whether there is another *current* network connection. “In step 705, the MPR code determines whether the invoked logon routine has returned a status that indicates that the primary logon provider is *actively (and successfully) connected* to a device (or pseudo-device) ...” Col. 8., lines 34-39 (emphasis added).

Thus, Jones et al. do not disclose or suggest “evaluating a history of one or more previously terminated connections of said device to at least one other network; and evaluating an integrity of data content of said device based on said history,” as required by independent claims 1 and 9.

Applicants respectfully request the withdrawal of the rejection of independent claims 1 and 9.

Dependent Claims

Claims 2-8 and 10-13 are dependent on independent claims 1 and 9, and are therefore patentably distinguished over Jones et al., Jemes et al. Noguchi et al. Manchin Daenen et al. and Hoene et al., because of their dependency from independent claims 1 and 9 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1-13, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



Date: August 7, 2008

Kevin M. Mason
Attorney for Applicants
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560